

NO. 26482

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

CLARENCE T. IZUO, CECELIA M. IZUO, GARY Y. NISHIOKU,
and RENEE NISHIOKU, Plaintiffs-Appellees

vs.

JOSEPH DIAS, JR., Defendant-Appellant

and

FIRST MAGNUS FINANCIAL CORPORATION, dba CHARTER FUNDING, an
Arizona Corporation; JOHN DOES 1-10; JANE DOES 1-10;
DOE CORPORATIONS 1-10; DOE PARTNERSHIPS 1-10;
DOE ENTITIES 1-10; and DOE GOVERNMENTAL
ENTITIES 1-10, Defendants

JOSEPH DIAS, JR., Counterclaim Plaintiff-Appellant

vs.

CLARENCE T. IZUO, CECELIA M. IZUO, GARY Y. NISHIOKU,
and RENEE NISHIOKU, Counterclaim Defendants-Appellees

and

LEROY BRILHANTE, Additional Counterclaim Defendant-Appellee

APPEAL FROM THE FIRST CIRCUIT COURT
(CIV. NO. 02-1-0556)

ORDER DENYING APPELLEES' APRIL 22, 2004 MOTION TO
DISMISS THE NOTICE OF APPEAL FILED ON APRIL 1, 2004
(By: Duffy, J.)

Upon review of (1) Plaintiffs/Counterclaim Defendants/
Appellees Clarence T. Izuo, Cecelia M. Izuo, Gary Y. Nishioku,
and Renee Nishioku's (the Appellees) April 22, 2004 "Motion to
Dismiss the Notice of Appeal Filed on April 1, 2004,"

(2) Defendant/Counterclaim Plaintiff/Appellant Joseph Dias, Jr.'s. (Appellant Dias), May 10, 2004 memorandum in opposition to the Appellee's motion, (3) the Appellees' May 19, 2004 reply memorandum in support of the Appellees' motion, and (4) the record, it appears the Appellee's April 22, 2004 motion lacks merit. Therefore,

IT IS HEREBY ORDERED that Appellees' April 22, 2004 motion is denied.

DATED: Honolulu, Hawai'i, June 2, 2004.

Associate Justice

Jay T. Suemori,
John Koa Holiona,
and Renee M. Furuta
for plaintiffs-appellees
on the motion

Gary Victor Dubin
for appellant in
opposition